

Judicial Branch Procedures and Duties Bill House File 838

Last Action:

**House Appropriations
Committee**

April 4, 2005

Executive Summary Only

**An Act relating to the procedures and duties of the Judicial Branch,
including sending notices, and providing for fees.**

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 838
JUDICIAL BRANCH PROCEDURES AND DUTIES BILL**

MAILING OR NOTICE

- Eliminates the requirement that a Clerk of Court must resend a mailing or notice that was returned as undeliverable, unless the Clerk receives an updated address. This includes notices for hearings or judgments.

NEW FILING FEES

- In calendar year 2004, there were 6,937 general executions, 2,312 special executions, and 640 confession of judgments.
- House File 838 adds a \$25 filing fee for a praecipe to issue an execution or enforcement of a judgment (general executions), a \$50 filing fee for a praecipe to issue an execution or foreclosure of real estate mortgages (special executions), a \$50 filing fee for confession of judgments \$5,000 or less, and a \$100 filing fee for confession of judgments greater than \$5,000.

FISCAL IMPACT

- The fiscal impact of HF 838 is approximately \$337,000 in additional revenue to the General Fund annually based on the new filing fees. Because these are civil filing fees, a 100.0% collection rate is assumed since the action will not proceed unless the fee is paid at the time of filing. These filing fees are for the collection of debts after an order or judgment has been received against the debtor.

**PRE-SENTENCE INVESTIGATION
REPORT DISTRIBUTION**

- Permits the Judicial Branch to send a copy of a pre-sentence investigation report to the defense attorney and the county attorney by regular postal mail or by electronic mail (e-mail).

TRIBAL COURT STUDY

- Encourages the Supreme Court to consider developing and prescribing a rule that recognizes the tribal court system and enforces tribal court orders, judgments, and decrees.